

under the Reagan and Bush administrations, when that number was 42.9 percent in 1991 and 37.5 percent in 1992.

The Clinton Solicitor General's failure to defend the death penalty is only part of the administration's soft-on-crime litigating positions. In case after case, the Solicitor General has refused to appeal cases in which the lower courts have overruled the Government, have overturned convictions, or have made it difficult to prosecute the defendant. Take, for example, the decision in *United States versus Cheely*, in which a panel of Carter judges in the ninth circuit struck down the Federal death penalty as unconstitutional. The Clinton administration's Solicitor General refused to appeal that case to the full ninth circuit or to the Supreme Court. When asked by Senator THOMPSON why no appeal was filed, Drew Days responded that he felt that the case did not raise large enough concerns to justify a rehearing.

Another example is the case of *United States versus Hamrick*. This is the case in which a prisoner sent a mail bomb to a U.S. attorney. Luckily, the bomb did not go off. Unluckily, a panel of judges on the fourth circuit overturned his conviction for assault with a deadly or dangerous weapon because those judges felt the bomb was an incomplete bomb and could not go off. Again, President Clinton's Solicitor General failed to appeal that decision, and the fourth circuit had to sua sponte order a rehearing to reverse that activist decision.

I could go on. I could describe the Solicitor General's effort to narrow the Federal child pornography laws. I could describe the Solicitor General's support for lawsuits by prisoners against the Arizona prisons. I could describe the drop-off in the Solicitor General's support for the State in all criminal cases before the Court. I have discussed these cases elsewhere, and I think that the point is clear. If the administration were truly serious about fighting crime, more than 90 percent of which is prosecuted in State court, then it should work harder to toughen the judicially created criminal rules that bind both Federal and State law enforcement, prosecutors, and courts.

The Solicitor General's conduct follows the rest of the administration's opposition to habeas reform and the death penalty. For example, on the eve of House debate on the antiterrorism bill, the White House sent emissaries to the Hill to lobby for weakening changes to the habeas reform package. Abner Mikva, the former White House counsel, lobbied to restore the *de novo* standard of review in habeas petitions, which would allow Federal judges to reopen issues that had been lawfully and correctly resolved years earlier.

Before that, the Clinton Justice Department in 1994 lobbied the House for passage of the so-called Racial Justice Act. This provision, in the guise of protecting against race-based discrimination, would have imposed a quota on

the imposition of the death penalty. It would have effectively abolished the death penalty. When the Senate refused to accept this death penalty abolition proposal, the Clinton administration issued a directive implementing its substance to require a racial review of all Justice Department death penalty decisions.

The weaknesses of the Clinton administration and of the Solicitor General to combat crime and to support the vigorous enforcement of the death penalty concern me in this case. The importance of winning this case cannot be overstated. One of the keys to winning the war on crime is to make clear society's determination to mete out swift, effective justice to those who are found guilty of violating its laws. Our habeas reform bill will prevent murderers from abusing our procedural system to forestall their punishments.

Because of my concerns about President Clinton's Solicitor General and the death penalty, let me announce today that I plan to file an amicus brief before the Supreme Court defending the constitutionality of habeas reform. I invite all interested Members of both the Senate and the House to join my brief. We cannot take the chance that the Clinton administration will pull another Cheely.

WHITE HOUSE TRAVEL OFFICE LEGISLATION

The PRESIDING OFFICER (Mr. BROWN). Under the previous order, the Senate will now resume consideration of H.R. 2937, involving the reimbursement to the former White House Travel Office employees, which the clerk will report.

The bill clerk read as follows:

A bill (H.R. 2937) for the reimbursement of attorney fees and costs incurred by former employees of the White House Travel Office with respect to the termination of their employment in that Office on May 19, 1993.

The Senate resumed consideration of the bill.

Pending:

Dole amendment No. 3952, in the nature of a substitute.

Dole amendment No. 3953 (to amendment No. 3952), to provide for an effective date for the settlement of certain claims against the United States.

Dole amendment No. 3954 (to amendment No. 3953), to provide for an effective date for the settlement of certain claims against the United States.

Dole Motion to refer the bill to the Committee on the Judiciary with instructions to report back forthwith.

Dole amendment No. 3955 (to the instructions to the motion to refer), to provide for an effective date for the settlement of certain claims against the United States.

Dole amendment No. 3956 (to amendment No. 3955), to provide for an effective date for the settlement of certain claims against the United States.

Mr. HATCH. Mr. President, today we turn to H.R. 2937. This is a bill to provide for the legal expenses of Billy Dale and other former White House Travel Office employees.

Mr. President, today I rise to urge my colleagues to support the pending legislation to reimburse the legal expenses incurred by Billy Dale and the other White House Travel Office employees who were summarily discharged from their jobs on May 19, 1993. This is a bill that I believe remedies the grave miscarriage of justice that resulted in the wrongful investigation and prosecution of Mr. Billy Dale and other former White House Travel Office employees.

President Clinton has said that he supports reimbursement of legal fees for Mr. Dale. I take him at his word. I am counting on him to make sure that people on the other side do not delay this bill, that cloture will be invoked tomorrow. It is surprising to me, however, that we are here trying to move this simple measure that the President supports, that had overwhelming bipartisan support in the House, but that some of my Democratic friends continue to seek to derail.

It is time to act on this measure and put to rest the years of unnecessary expense and inconvenience suffered by Mr. Billy Dale and his former colleagues of the White House Travel Office. To do anything less, in my opinion, would be to deny justice to those wrongfully prosecuted by the Government.

The issue is simple: Mr. Dale served his country, at the pleasure of eight Presidents, as the director of the White House Travel Office. He faithfully served both Democratic and Republican Presidents. He provided years of service that involved the thankless task of ensuring that the national and international media were in a position to cover and report the movements of the President to the public. For that, Mr. Dale and the entire White House Travel Office staff were fired on May 19, 1993, and fired in what really could be nothing less than a surreptitious manner.

As if that humiliation were not enough, Mr. Dale was thereafter indicted and prosecuted for embezzlement. On December 1, 1995, after 2½ years of being investigated by the FBI and IRS and incurring tremendous legal expenses, Mr. Dale was tried before a jury of his peers and, after fewer than 2 hours of deliberation, found not guilty of all charges.

The travesty in this story is that the White House Travel Office employees simply got caught in the political crossfire of the new administration. They had served both Democratic and Republican Presidents, but found themselves in jobs that apparently were an impediment to the ambitious money-making schemes of some of the new President's friends.

President Clinton certainly had the authority to dismiss the White House Travel Office staff without cause. I do not begrudge the President his right to control White House staff. But subsequent to the firings, the Clinton White House may have felt the need to justify

its actions, given the tremendous media interest in this dismissal. Unfortunately, in justifying its own actions, the White House ruined the reputations of Mr. Dale and his colleagues. The White House' actions went well beyond routine termination of jobs at the President's pleasure. What happened is simply unconscionable, and we have to right these wrongs.

In May 1993, the Travel Office employees were fired and told to vacate the premises. In fact, two staff members learned of their termination on the nightly news. That is how this White House handled it. In an attempt to justify firing these loyal public servants, the White House met with and urged the FBI to investigate the Travel Office. Usually that is done solely by calling anything they think is wrong to the attention of the Justice Department, who then can, if it is deemed necessary, call in the FBI. That was not the case here. They actually tried to influence the FBI to get involved in what really was a political matter. They used allegations concocted by those who had a vested interest in running the office themselves. Curiously, the FBI helped craft the White House' press release about the firings.

The accounting firm Peat Marwick was hired to do an audit of the office. The firm's report, however, did not substantiate the allegations of mismanagement asserted by the White House. The firm found only modest financial irregularities, which are certainly not the same thing as embezzlement.

Now, this story would indeed be tragic enough if it ended here. But it does not. The Department of Justice then proceeded to indict Mr. Dale, seemingly without concern for the weakness of its case. The case was so weak that the citizens sitting on the jury who heard all the evidence exonerated Mr. Dale in fewer than 2 hours. For those who have tried a lot of lawsuits, it takes that long to organize the jury. This question of use of the Federal criminal justice system created a situation for Mr. Dale where he had to spend some \$500,000, and even considered taking a plea, when he had committed no crime, just to end it—just to end this tremendous fiscal abuse of him and his family.

Indeed, after the jury dismissed the allegations, someone leaked the existence of the plea negotiations to the public in an attempt to further discredit Mr. Dale's reputation. The Clinton administration just could not let it end with Mr. Dale's acquittal. It had to take one more swipe at Mr. Dale. Not only are plea negotiations a necessary part of our judicial system, they are intended to remain confidential and are not to be used against a criminal defendant. Mr. Dale likely considered a plea agreement because he was faced with a crushing financial problem and burden, an uncertain future, and wanted to put an end to a trial that had become too much of a strain to his family and reputation.

No one should ever have to be put through this. No citizen of this country should be treated in this fashion. I have to say there have been a number of innocent citizens through the years who have had to make pleas just to get the Government off their back because the Government has a never-ending source of funds, where they, of course, can lose their whole lives and their whole life's work. In Mr. Dale's case, that is what was happening.

Even so, he was maligned by these leaks after his acquittal. It has now been nearly 3 years since the termination of the White House Travel Office employees, and they are still in the unfair position of defending their reputations. It is time to close this chapter in their lives, and it is time to allow them to have their reputations back. I cannot, in good conscience, sit quiet when I believe an arrogant use of power has taken place. The power of the White House was used to victimize the innocent for a President's political gains. The targeting of dedicated public servants, apparently because they held positions coveted by political profiteers, demand an appropriate response. Although their muddled personal and smeared personal reputations may never be fully restored, it is only just that the Congress do what it can to rectify these wrongs.

Accordingly, this bill will make Mr. Dale and the other former White House Travel Office employees whole, at least financially. It will never make up for what they have lost otherwise. But it will financially, by providing for attorney's fees and expenses related to the criminal investigation. This is the very least we can do. After all, we can do nothing to restore their reputations, their dignity, or their faith in this White House.

Let me briefly explain to my colleagues what this bill does for the former White House Travel Office employees. This legislation provides for payment of the legal expenses incurred by Billy Dale, Barney Brasseaux, John Dreylinger, Ralph Maughan, John McSweeney, and Gary Wright in connection with the wrongful criminal investigation launched against them subsequent to their firings. Though Mr. Dale suffered the greatest financial losses, the remaining six employees collectively incurred approximately \$200,000 in their own defense. These six innocent—let me repeat that, innocent—employees were unjustly dismissed so that rich White House cronies could snap up their jobs. While this bill does not provide for compensation of all expenses associated with the investigation into the Travel Office matters, such as costs incurred while appearing before Congress, it will provide for attorney's fees and costs that resulted from defending themselves against criminal investigations.

I thank my colleagues for considering this piece of legislation and, above all, the Members of the House for passing H.R. 2937 with overwhelming

bipartisan support. This is an important and long overdue measure. I find it a great breach of trust with the American people that the awesome prosecutorial powers of the Federal Government will be brought to bear on innocent persons for political motives. Even the White House in hindsight recognized that justice in this matter needs to be done. Indeed, when White House spokesman McCurry stated, "Yes, and he signed it," referring to President Clinton's intentions to sign this bill reimbursing Mr. Dale, this was our call to enact this measure. We should all keep this in mind when voting to pass this bill.

I strongly urge support for the passage of this legislation.

PRIVILEGE OF THE FLOOR

Mr. HATCH. Mr. President, I ask unanimous consent that Christina Rios, of my staff, be given privileges of the floor for the pendency of the debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. This is one of the most unjust things I have seen in all the time I have been here. It is just a shame that the awesome power of the White House could be utilized in this fashion. I am pleased that the President basically stands behind this bill and will not veto this bill. I am pleased he said he would support this bill. I hope our colleagues on the other side will support it, as I hope our colleagues on our side will support it.

There is no reason in this world why we do not rectify this kind of wrong caused by the Federal Government. My only problem is I wonder how many other wrongs like this there are in our system today? I think by and large our system is as honest and good and decent as it can be, but occasionally we do find people who play politics with the law. You should never play politics with criminal laws. People's lives, reputations, their very inner psyches can be completely destroyed when put through these types of embarrassing, despicable approaches. I am very upset about it.

I would like to see this passed without event and without a lot of screaming and shouting. It ought to be done in a dignified way. Every one of us in this body ought to be proud to do it and send this message, not only to this White House but future White Houses and future Justice Departments, that we will not tolerate this kind of action in the future. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Mr. President, I, as you know, have made some arguments here that this is a bill that everybody ought to be for. It is to right injustices that

were created by certain people at the White House which the President even acknowledges in the sense that he said he would support this legislation. He does support this legislation. He thinks an injustice was done, and he thinks that Billy Dale and the other former employees ought to be reimbursed their legal expenses. The President is behind this.

This is not a partisan issue. But I just have been informed that the Democrats on the cloture vote tomorrow are going to vote against cloture on something this bipartisan. Not one of them is going to speak against it. I do not think anybody in this body can speak against this bill. But they are going to filibuster this bill because they cannot add the minimum wage to this bill, or they cannot add any number of other liberal wish lists to this bill.

Talk about an unjust situation confounding an unjust situation. I cannot believe that my colleagues are going to do that on the other side. They ought to be the first to say, get this bill through and do it and right this wrong.

When I was a Democrat we were concerned about people's feelings. We were concerned about compassion. We were concerned about injustice. We would move heaven and Earth to try to do something about it. But that is one reason I left the party. Politics is more important than anything else, I guess.

I am calling on my colleagues on the other side to do something about this. This is a wrong that ought to be righted. This man has been mistreated, and so have his colleagues. His reputation has been smeared and besmirched. And everybody in this body knows it, and everybody in the other body. The other body acted with dispatch and reason and dignity and in a bipartisan way and passed this legislation. We are going to correct the legislation with Senate legislation and send it back. And it will pass overwhelmingly over there. And if we play a two-bit game of not invoking cloture tomorrow I think that is pathetic.

I challenge my colleagues to wake up and quit playing politics with stuff like this. There is a place and a time to filibuster. There is a place and a time to bring up the minimum wage. This is not one of them. I would be ashamed not to see this bill just pass right through especially since nobody over there is going to speak against it, or if they are I would like to hear what they have to say because I am prepared to rebut anything they say. And I mean I am really prepared. And they better expect a rough time if somebody came on this floor and said that Billy Dale should not be reimbursed.

Where is the compassion the Democrats say they have? Where is the fairness? Where is the care for somebody who has been besmirched, and everybody admits it, who had to go through 2½ years of being brutalized in a full-fledged criminal trial where it got so bad and his expenses were so high and

his family was going down the drain that the fellow was ready to even take a guilty plea or a plea to a minor offense in order to get the doggone ordeal over, which happens from time to time to innocent people. Fortunately, it went to the jury, and in this country, having tried hundreds of jury cases, hundreds of them, I have to tell you, I believe in that jury system.

After the O.J. Simpson vote, I was interrogated on that, and I said I will go with the jury. I may have my own opinions, but I am going to go with the jury. In this case there is no question about it, and everybody pretty much admits it.

If we are going to play games with this type of stuff—I do not mind my friends on the other side finding fault and hustling against legislation they despise or think is wrong. I do mind it on this legislation.

Let me tell you something. There are two sides to the minimum wage. There are two sides to abortion. There are two sides to all these buzz issues. There are not two sides to this issue. There is one side. And I do not know anybody who could rebut it or who would have the temerity to come out here and try to rebut it.

So I think it is time to quit playing games with something like this.

Surely, the tree was tied up. I was not here, but it was tied up because we did not want any games played on something that will right the injustices of the past like this bill does.

I am calling on my colleagues on the other side to give some consideration to not just me as chairman of the Judiciary Committee, who has tried to work with them in so many ways, but to their own President who said he supports this legislation and get it over with. It is to their advantage to get it over with rather than have to beat this to death over the next few days. I do not want to stand here and just keep pointing out the White House deficiencies on it. I wish to right this wrong, get it over with and then not talk about it anymore.

So I am calling on my friends on the other side to give some consideration to the work that some of us are doing. I know they feel deeply about the minimum wage. Some on our side feel deeply on the other side, and there is going to be a battle on minimum wage sooner or later around here. This is just not the right vehicle to bring the complaint about, have someone to bring up their special amendments on this. I think this is the time to do what is right.

If the President said he opposed it, OK, I can accept it. But I am calling on the President of the United States to get with it as my friend and the friend of every Democrat over here and to talk to our colleagues on the other side and to say look, fellows, men and women on the Democratic side of the floor, this is something that has to be done and it should not be delayed and it ought to be done now.

I am calling on the President of the United States to see that this gets done. I expect to do my very best to get it done, and I hope this rumor that I am hearing is not true. If it is, I have to say that the comity in this body is just breaking down. I do not want to see that happen because there are a few of us who want to see things resolved. A few of us want to resolve some of these problems. Where we have head-butting things where both sides feel very deeply, that is another matter. But on most matters around here we will resolve them, and this matter should not even be in question.

I yield the floor.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The Senator from South Dakota is recognized.

Mr. DASCHLE. Mr. President, I heard the statement of the distinguished Senator from Utah, and I did not even have my television monitor on.

I wish to begin in my response in agreement with what the Senator has just articulated. I believe as he believes, and there is no one who cares more deeply about comity in this body than does the distinguished Senator from Utah—about the need for comity, about the need for ways in which to resolve our differences in a reasonable way, in a bipartisan or nonpartisan way, and that ought to extend to legislation that may divide us as well. As he has indicated, this bill does not divide us. I do not know that there will be a vote against this particular piece of legislation when we get to that point.

I think the Senator from Utah understandably underestimates the extraordinary frustration that Democrats are feeling given the current circumstances. We were told that the so-called Presidio bill was not the bill with which to offer the minimum wage amendment, and it was dropped. We were told then that the term limits bill was not the bill with which to offer the minimum wage amendment, and it was dropped. We were told that the immigration bill was not the bill with which to offer the minimum wage amendment, and again it was dropped.

On bill after bill after bill after bill after bill, the Republicans have said this is not the bill, this is not the legislation, and in fact in most cases, whether it was the Presidio legislation or immigration, in many of those cases we then voted for cloture in an effort to move this process along in the name of comity, in the name of trying to resolve the pending issue because, as the distinguished Senator from Utah said, we ought to be able to do that.

And we have also said, look, we will agree to a time certain. We will agree not only to a time certain with regard to how much time is actually devoted to the debate on minimum wage, we will take a half hour and a vote; we will do it this afternoon, tonight, tomorrow. If that cannot be done as part of an amendment to a bill, we will take it standing alone any time in the next

few weeks. Tell us when. And that too has been denied us.

So, Mr. President, I have to ask, what does a guy do? How do you resolve this with comity? How do you resolve this in a way to try as best we can to work through these issues and yet be sure that we as Democrats are given an opportunity to address a very important issue?

Mr. HATCH. Will the Senator yield on that point?

Mr. DASCHLE. When I finish, I will be happy to yield. I would be more than pleased to enter into a dialog with my colleague from Utah but let me just finish some thoughts here.

I am disappointed, frankly, after all these weeks and with all of these good-faith efforts made, as amendments have come up, as bills have been considered, that we have not been able to resolve this matter. I do not know how much longer it will take, but I do know this. It appears more and more that many of our Republican colleagues secretly desire to be in the House of Representatives. I would urge them to run for the House of Representatives if that is their desire. If they want the luxury of eliminating the opportunity for the minority to offer amendments, if they want the luxury of saying we are not going to have a debate about an issue that we do not want to debate, then run for the House. I still think there may be some seats open this year. They could try it even this year. My heavens, if you want to be in the Senate, if you want all the opportunities that the Senate provides us for good, unlimited, open debate, then let us not act like the House of Representatives. Let us not foreclose every single option that Senators are supposed to have, to be able to consider and vote, consider amendments and consider issues in a bona fide way, trying to work through our differences. That is what this is all about.

But to be shut off, bill after bill after bill after bill, and to be told now this is not the bill either, in spite of the fact that we have unanimity on it, I ask the President, what should we do? We have no choice, Mr. President. We have no choice but to make our colleagues understand that this is the U.S. Senate and in the U.S. Senate you ought to be given opportunities.

I have a list here. I do not know, I do not think I will go through them because it really does not serve any useful purpose, but I can give you a list of Domenici amendments, Helms amendments, McCain amendments, Roth amendments, Gramm amendments, Hatch amendments—you name it. We have amendments with just about every Republican name on them that were not relevant to a bill in past years, in past Congresses, offered on that side and not precluded by the Democratic majority at the time, because they thought it was important. They thought it was important.

So here we are. The roles are reversed. We are the minority. Now we

are supposed to offer amendments in those situations where we are not able to get a bill to the floor, and what happens? It is becoming a pattern. What happens is a bill is presented to the Senate floor and the tree is filled. There are so many leaves on this tree it looks like a forest in this place. I must tell you, it gets frustrating when we are not given the same opportunity we gave the minority when we were in the majority.

I am sorry the Senator from Utah is frustrated. He is beginning to sense a little of the frustration we feel on our side. This minimum wage vote will happen. It is just too bad that it has not happened already. There will be other votes that may not be comfortable votes. But, my heavens, this is the U.S. Senate, and we ought to have an opportunity to debate them, vote them, have our differences and work through them. We ought to allow debates to take place.

Indeed, let me end where I began and where the Senator from Utah ended: Let there be comity. Let there be a way in which to resolve these matters in a good-faith manner. I am prepared to do that. I know he is prepared to do that. The sooner it happens the better.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I am prepared to do that. I believe in comity, and I have worked hard with my colleagues on the other side for comity. There have been innumerable bills where the Democrats have brought up not-relevant amendments throughout this process.

What has happened here is they think they have a good political issue in the minimum wage. There will be a vote on the minimum wage before this year is out, there is no question. I do not blame the majority leader, who is acting no differently than the distinguished Senator from South Dakota when he was majority leader. I do not blame the majority leader for wanting to be able to schedule that at the appropriate time, not on every bill.

Also, in my whole time in the Senate I do not remember a period of time like the last 2 years where almost everything is filibustered, where it takes a cloture vote to be able to end the debate. I think part of that came because our friends on the other side did not like the Contract With America. They did not want it to succeed. They have a right to fight against it, and they have a right to filibuster against these—but not everything. I have to admit, as somebody who has utilized the filibuster in the past and is known as somebody who can utilize it, I have used it very sparingly, only on major issues where there are clear-cut differences and where it is justified. But we have had a virtual slowdown on everything.

Having said that, my colleagues on the other side have a right to do that. I am not going to take that right away. In fact, I would fight to my death for

the filibuster rule. It is what makes us different from the House of Representatives. I might also add, I do not know a Senator who wants to go to the House of Representatives. I know a lot of Members of the House who would like to come here, especially Democrats. I have to say I guess Republicans have that desire as well.

But to make a long story short, I do not believe that every bill has to be a bill where you cannot debate nonrelevant amendments, but this is one that passed 350 yeas to 43 nays in the House. It is a truly bipartisan bill, one that rights a terrific wrong that the White House basically admits was done, one of which the President said, "I support it. It is the right thing to do." And which I think my friends on the other side ought to accept.

Since nobody opposes this, why make this the cause celebre with regard to the minimum wage or any other special interest legislation that either side would like to bring up? Both sides have their peculiar special interests. We all know that. Both sides are sincere on these special desires. But this is one where the President said he would support it. This is one where 350 Members of the House, Democrats and Republicans, said they would support it, and only 43 were against it.

This is one where I think 100 Senators will support it, at least I believe 100 Senators would, because I think every Senator here knows this is a terrific injustice. This bill is one that literally will not repair the reputations and the lives of those who went through this horrendous experience but will at least say to the public at large, and to them, that we in the Senate have some consideration for them, we have some compassion, that we care for them, that we are sorry for what happened, and what we can do, we will have done.

I happen to have a great deal of friendship for my friend from South Dakota, the Democrat leader on the floor. There is no question that we are close friends. I cannot imagine, knowing him as well as I do, that he would allow his party, his side to be so crass as to filibuster this bill or to even require a cloture vote. This side would be just a voice vote, although I would like to see everybody stand up and vote 100 to zip to support this bill. I really believe—I am just counseling my colleague, whom I care for and he knows it—I really believe it is the right thing. We ought to get it over with, get it done, not spend a lot of time on it, let these people know Democrats and Republicans are together on this and not get involved in the quagmire of the minimum wage or anything else.

I know that is going to come up. I know it has to come up. I know our friends in the minority have a right, have many rights, and there will be many tough votes, as the distinguished Senator says, for both sides. That is just the way it is, not only in a normal year but in a Presidential year in particular. But there are some things we

should do in a bipartisan way. We should not elevate it to the level of filibuster. We should not elevate it to the level of trying to get one or the other side's own personal preferences, especially when the President supports it.

So I am calling on the President. I am calling on my colleagues on the other side. I am calling on my friend, the minority leader, to think this through and let us get this over with and do what is right and give these people a chance to walk away with at least some measure of dignity, even though they will never get their full reputations back in the eyes of some people. They have been scarred for life. The least we can do is try to do some plastic surgery here to make the scars a little less reprehensible to them. I think we all ought to have the compassion to do that.

That is all I am asking for. I can live with whatever the minority wants to do. I caution the minority to not do what I have heard might be done and to really think this through and help me, as Judiciary Committee chairman, to get this matter over and done with; get it over for the White House and done. Once it is done, it will not be mentioned again, to my knowledge, on the floor. Just go from there. I just think it makes sense to do that.

But I can live with anything. I have been around here a long time, and I have seen a lot of injustices before. But I think, if we delay this and play games with this bill, then we will play games with anything. I think this would be a tremendous, manifest injustice. That is my opinion, but I think it is shared by a wide variety of people on both sides of the aisle. I think really we ought to. There will be plenty of chances on other legislation, there will be plenty of chances to get the will of the minority done. I think, just work with the majority leader. I think it will get done because I guarantee there is going to be a bill on it, but it is going to satisfy both sides if it happens. It is not just going to be a one-sided bill.

I think there will be an appropriate time to do that. I just believe, and I think most people who look at this fairly believe, this is not the bill you should be playing games with. Having said that, I respect my dear colleague, I still love and appreciate him, and I know he has a tough job. I know he has to handle his side. But I hope he will urge them to err on the side of caution, err on the side of doing what is right, err on the side of compassion, err on the side of rectifying wrongs that are clear-cut wrongs, err on the side of supporting the President.

I think if you do that, you will win a lot of respect from some people who need to respect the minority as much as I do.

I just wanted to say those things. I feel deeply about it. I hope my colleague can help me on this.

The PRESIDING OFFICER. The distinguished Democratic leader is recognized.

Mr. DASCHLE. Mr. President, once again, I commend the distinguished Senator from Utah for appealing to reason and calm. I was thinking just as I was listening to his thoughtful remarks about how easy it would be to easily insert the minimum wage as he made an appeal for compassion, for doing what is right, for bipartisanship, for some appreciation of the magnitude of this problem as it affects those people who are directly going to be the beneficiaries, should the legislation pass.

Indeed, one could make that case, that it is time for us to put aside our partisan differences and do what is right, recognize that it has been a long, long time—5 years—since we passed the minimum wage. The purchasing power is the lowest it has been now in 40 years.

I would be willing to commit this afternoon to the chairman of the committee that we will vote for cloture, we will vote for final passage if he can work with me this afternoon to get a commitment for an up-or-down vote on minimum wage immediately following the vote on this particular bill.

If we can do that, we have exactly what the two Senators currently on the floor both want: Passage unanimously perhaps for this legislation, a bill to provide for the expenses of those who were victimized by the unfortunate circumstances in the travel office, and then send a clear message to more than 14 million Americans, most of whom are heads of household, that at long last we are going to give you a little more empowerment, we are going to give you a little more purchasing power. That is really what this is all about. This is an effort to try to find a way to address our mutual agendas, the majority's and the minority's.

I agree with so much of what he said, but I will disagree with one point. He made the comment that he has never seen so many filibusters. Let me tell you, as one who served in the majority in the last few Congresses, this side in the 102d and the 103d Congress, our Republican colleagues were the Babe Ruths of filibusters. We are still in the minor leagues when it comes to filibusters, when it comes to shutting this place down.

At one point, there were 60 filibusters pending in a Congress. It was unbelievable. There was nothing we could do. There was no legislation we could advance. And so we learned, hopefully well, and we will keep trying to learn better, we will keep trying to apply the lessons given us in past Congresses to be effective as Members of the minority, but we are not in that league yet. It is not even close.

When we have insisted on a filibuster in large measure is when we have been prevented from being equal partners in the legislative process, when we have not been given an opportunity to offer amendments, to participate in the debate, to have our say, to have some balance here in striking this legislative comity that we do want.

So I hope we can resolve it. I hope we can find a way to work through this. I hope that maybe this problem can be resolved in the next day. I would like to see in the next 24 hours a way to resolve it once and for all. It is within our grasp. We need to do it. The sooner we do it, the better.

I yield the floor.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I have listened to my colleague, and I have to tell you that I remember the days when Majority Leader Mitchell was accusing us of filibustering all the time. He would call up a bill and then he would file cloture that very minute and accuse us of filibustering where there was no intention to filibuster whatsoever.

Be that as it may, I think both sides have misused the filibuster from time to time. I think that is one of the points I made—it can be overused. I would still fight to my death to keep it alive, because it makes this the freest legislative body in the world and it is a great protection for the minority. I believe in that because I have been in the minority and I know how tough it is to be in the minority. I have no qualms about saying to the minority leader that it is a tool that he can use.

I am just suggesting, citing the minimum wage to show compassion right now is not the same as citing the Billy Dale matter where 100 people here know he and his colleagues were very badly treated. There is not the same bipartisan support for the minimum wage.

There is a tremendous set of arguments against the minimum wage. I feel very deeply myself. For instance, it is ridiculous to tell people we have to give them a living wage when, in fact, people who are heads of families who are on the minimum wage have all kinds of other Federal benefits that are added to get them way above the approximately \$8,000 or \$9,000 the minimum wage gives them, and we are paying for it as taxpayers. So it is not like they are bereft and limited only to whatever the minimum wage is.

There is the other argument, and a whole raft of arguments, about loss of youth jobs for especially impoverished youth and uneducated youth; their opportunities for working are gone. We can go into that ad infinitum. There are legitimate arguments against it, and there is a, almost even, set of viewpoints concerning whether it should or should not be enacted.

I can live with it one way or the other, to be honest with you, but I think it is a mistake to keep raising the minimum wage and raising all the other social benefits as well and, basically, decreasing youth jobs by the hundreds of thousands.

Be that as it may, that is an argument. There is not the same bipartisan belief in the minimum wage that there is in the Billy Dale bill. There are

many vehicles whereby the Democrats can raise cane about it and can filibuster with regard to the minimum wage, but this should not be one of them. If the President was against the Billy Dale matter, I could understand it, but he is for it.

If the distinguished minority leader was against rectifying the wrongs done to Billy Dale and his associates, then I could understand this, but he is for it. Are the other Democrats against the Billy Dale matter? Of course not. They are for it, and the reason they are is because it is right.

I think there are things to raise filibusters about and things to vote against cloture on, and I certainly would fight to my death for the minority's right to do that. But there are also things that are right and wrong, and the wrongs against Billy Dale and the way he was treated by this White House ought to be rectified, and we could do it like that.

We can do it by doing what we all know is right and not playing around with his reputation one more day. I find it unseemly that because of the difficulties over the minimum wage that our colleagues on the other side might consider not letting this bill pass and getting it over with and doing what is right. What really makes it unseemly, in my eyes, is that they had the majority for 2 years, between 1992 and 1994. They had the majority. Where was the minimum wage then when they had the majority? Why did they not pass it then? They not only had the Senate, they had the House. Where were all these compassionate minimum wage advocates in those 2 years?

Why is it suddenly in a Presidential year that our distinguished friend from Massachusetts comes on, waving his arms, saying, "Oh, we have to do something about the minimum wage"? Because he knew that 89 percent of the major media in this country who support Clinton were going to get excited and say, "Oh, BOB DOLE looks bad because he is not for minimum wage."

Come on, the people are not stupid. We know doggone well this is a game to push up from the bottom so those in organized labor can make demands at the top. They know that. It is a game that has been played for years, and one reason we are going to get back into the inflationary cycle if we get suckered into doing that again.

But even if the minimum wage is right, if it is so right today, why was it not right between 1992 and 1994? If I am shouting here, I hope they can hear me outside the Chamber. Where were all the Democrats then, these great saviors of the little people? Why, it was not politically a great thing to do then because we would have pointed out how many jobs would be lost for these disadvantaged young people that cannot get that first inception job. History shows that if they get that inception job, it will not be long until they will be making a lot more than the minimum wage.

But they have to get the job. I might add, that people who do not get the job stay in poverty and on welfare. It is very insensitive to play politics with the minimum wage. But if it seems important, if it is one of these absolute things that we have to have—I have listened now for weeks to the Senator from Massachusetts and others who are advocates for the minimum wage.

It is easy to be advocates, boy, when you have the major media behind you because of the recent polls that show who they do back—90 percent for President Clinton. Where were they, these wonderful Democrats, these wonderful liberals who are so concerned about all the little people out there who think the minimum wage is such a tragedy? Where were they between 1992 and 1994—tell me—when they had control of this body, when they had control of the other body? Where were they?

Why all of a sudden in an election year to come out here and play games with the minimum wage? Why would they use that gameplaying to disrupt a bill to correct an absolute legal injustice that all of us admit is a legal injustice caused by White House staff, caused by pure brazen politics, caused by greed of people who supported the President?

Why would they want to continue to talk about this for days on end? You would think they would have sense enough to get it over with, especially since the President says, in the most sincere fashion possible, "You were done wrong, Mr. Dale. And I support the efforts to try and resolve that wrong." Let the President retire in dignity from the Billy Dale fiasco.

The minimum wage—we can live to fight that another day. But even so—I am not going to call it hypocritical—but where were these wonderful saviors of the minimum wage in 1992, 1993, 1994? In fact, where were they when they took over the Senate in 1986, 1987, 1988? We did pass one then, I guess. But where were they in 1992 and 1994 when they controlled the Senate, they controlled the House? They could have done anything they wanted to do. I guess it was not an election year then. I guess because this President had won the heat was off, and they could wait to take care of these people during an election year so that they could score some political points.

That may be a little harsh. I will retract a little bit by saying there are literally those who have never studied economics in this body who really believe that the minimum wage needs to be raised because they really believe that they are going to help people to support their families with that extra 90 cents over 2 years.

Give me a break. It will cost hundreds of thousands of jobs for disadvantaged youth who will never get a job after that, who, if they had gotten a minimum wage job because they were not priced out of the marketplace, would go on to make more money, get trained, have the dignity that comes from working, and so forth.

It really bothers me that that battle would be used to defeat or to stop or to deter resolving a gross manifest of injustice like what happened to Billy Dale and his companions, which happened from this White House. It really is amazing to me, absolutely amazing.

The Democrats on the other side, who are so anxious to do something about the minimum wage, did not do anything in 1993. They did not do anything in 1994. Why? Because they knew it was bad for the country. They knew it was bad for the country. But today raising the minimum wage, they think, is good for Democrats, especially with their help in the media. But you know there are articles starting to come out by those who are thoughtful and reflecting on this, saying, with caution, "Be cautious with regard to raising the minimum wage. You may cause more problems than you fix."

Keep in mind for those out there who buy off on this language that you cannot live on whatever the minimum wage is—\$4.25, \$4.35 an hour—I agree, you cannot support a family on that. But this country is not uncompassionate. When you add food stamps, and you add the earned-income tax credit, and you add a whole raft of other social spending programs, including Medicare and Medicaid, when you add all kinds of social welfare benefits that they are entitled to under our current budget, nobody who runs a family lives on the minimum wage.

The fact of the matter is, they are entitled to these even if they work for the minimum wage. You are talking about an average family income of well over \$13,000 a year that is well above what an increase in the minimum wage, this 90-cent increase, would do at \$5.25. Where were these people in 1992, 1993, and 1994? Where were they over the last 5 years, if it is so important? Why were they not out here getting it done since they controlled both Houses of Congress, and in 1993 and 1994 controlled the Presidency too?

Where were the unions at that time demanding the minimum wage to be increased? I did not hear any real ruffling by the unions or anybody else. The reason was, they know doggone well that increasing the minimum wage is no panacea, that it does not solve the problems. You are still going to have to face the problems. And the best way to do that is straight up, and with opportunity, economic opportunity, not false mandating, further mandates on the backs of the American people.

If we had not passed the unfunded mandates bill, I would say, well, maybe there is a better logical argument for the minimum wage. The fact is, we passed it, and this is a mandate on the backs of American business of \$1 billion annually. That is something to think about. Why would we do that if we think the unfunded mandates bill is so important, which passed overwhelmingly here in the United States? I could go on and on. But my point is, I hope

our colleagues on the other side will think better by tomorrow morning.

This ought to pass on a voice vote. I would prefer to have a vote on it just so everybody will know there are 100 Senators who want to right this injustice or the series of injustices and these wrongs and who want to support the President. And in doing so, the President had the guts to stand up and say, "Yes. The White House did wrong here. And we should rectify this." I respect him for that. I think we all should.

But if we have a filibuster tomorrow, I am going to have a rough time respecting anybody who participates in that under these circumstances, especially since it passed the House 250 to 43. I yield the floor.

The PRESIDING OFFICER. Does the Senator suggest the absence of a quorum?

Mr. HATCH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLOTURE MOTION

Mr. DOLE. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on Calendar No. 380, H.R. 2937, an act for the reimbursement of attorney fees and costs incurred by former employees of the White House Travel Office with respect to the termination of their employment in that office on May 19, 1993:

Bob Dole, Orrin Hatch, Spence Abraham, Chuck Grassley, Larry Pressler, Ted Stevens, Rod Grams, Strom Thurmond, Thad Cochran, Judd Gregg, Paul Coverdell, Connie Mack, Conrad Burns, Larry Craig, Richard Lugar, Frank H. Murkowski.

Mr. DOLE. I ask unanimous consent that this cloture vote, if necessary, occur at 10 a.m. on Wednesday, May 8, and the mandatory quorum under rule XXII be waived.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

MORNING BUSINESS

Mr. DOLE. I now ask unanimous consent there be a period for the transaction of morning business with Senators permitted to speak for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, the awesome \$5 trillion Federal debt stands today as an increasingly grotesque parallel to the energizer bunny on television that keeps moving and moving and moving—precisely in the same manner and to the same extent that the President is allowing the Federal debt to keep going up and up and up into the stratosphere.

A lot of politicians like to talk a good game—"talk" is the operative word here—about cutting Federal spending and thereby bringing the Federal debt under control. But watch how they vote on spending bills.

Mr. President, as of the close of business Friday, May 3, the exact Federal debt stood at \$5,089,270,954,342.92 or \$19,220.40 per man, woman, child on a per capita basis.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

ENROLLED BILLS SIGNED

At 2:31 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

H.R. 2064. An act to grant the consent of Congress to an amendment of the Historic Chattahoochee Compact between the States of Alabama and Georgia.

H.R. 2243. An act to amend the Trinity River Basin Fish and Wildlife Management Act of 1984, to extend for three years the availability of moneys for the restoration of fish and wildlife in the Trinity River, and for other purposes.

The enrolled bills were signed subsequently by the President pro tempore (Mr. THURMOND).

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-2407. A communication from the Secretary of the Interior, transmitting, pursuant to law, notification of the intention to award specific watershed restoration contracts; to the Committee on Energy and Natural Resources.

EC-2408. A communication from the Senior Deputy Assistant Administrator (Bureau for Legislative and Public Affairs), U.S. Agency For International Development, transmitting, pursuant to law, the report of economic

conditions prevailing in Egypt; to the Committee on Foreign Relations.

EC-2409. A communication from the Chairman of the Farm Credit Administration, transmitting, pursuant to law, the annual report for fiscal year 1995; to the Committee on Governmental Affairs.

EC-2410. A communication from the Congressional Review Coordinator of the Animal and Plant Health Inspection Service, Department of Agriculture, the report of a rule relative to Export Certificates; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2411. A communication from the Congressional Review Coordinator of the Animal and Plant Health Inspection Service, Department of Agriculture, the report of a rule relative to Importation of Additional Species of Embryos; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2412. A communication from the Congressional Review Coordinator of the Animal and Plant Health Inspection Service, Department of Agriculture, the report of a rule relative to Animals and Embryos from Scrapie Countries; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2413. A communication from the Congressional Review Coordinator of the Animal and Plant Health Inspection Service, Department of Agriculture, the report of a rule relative to Horse from Bermuda and the British Virgin Islands; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2414. A communication from the Congressional Review Coordinator of the Animal and Plant Health Inspection Service, Department of Agriculture, the report of a rule relative to Imported Fire Ant; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2415. A communication from the Congressional Review Coordinator of the Animal and Plant Health Inspection Service, Department of Agriculture, the report of a rule relative to Brucellosis: Approved Brucella Vaccines; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2416. A communication from the Congressional Review Coordinator of the Animal and Plant Health Inspection Service, Department of Agriculture, the report of a rule relative to Karnal Bunt: Amend Quarantine Regulations; to the Committee on Agriculture, Nutrition, and Forestry.

ADDITIONAL COSPONSORS

S. 253

At the request of Mr. LOTT, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of S. 253, a bill to repeal certain prohibitions against political recommendations relating to Federal employment, to reenact certain provisions relating to recommendations by Members of Congress, and for other purposes.

S. 258

At the request of Mr. PRYOR, the name of the Senator from Iowa [Mr. HARKIN] was added as a cosponsor of S. 258, a bill to amend the Internal Revenue Code of 1986 to provide additional safeguards to protect taxpayer rights.

S. 794

At the request of Mr. LUGAR, the name of the Senator from Tennessee [Mr. FRIST] was added as a cosponsor of S. 794, a bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act to facilitate the minor use of a pesticide, and for other purposes.